

REMARKS

I. Record of Interview

Applicant appreciates the Examiner's willingness to conduct a telephone interview with the undersigned attorney and Dr. Dhindsa on November 17, 2005. The amendment to Claim 1 and new independent Claim 17 were discussed at the interview, but no agreement was reached, as the Examiner indicated further search and consideration was needed.

II. Objections to the Specification

The specification was objected to for containing a typographical error: "300" should have read "200" on page 9, line 26. In response to this objection, Applicant has amended the specification to correct this typographical error.

The specification was also objected to for failing to provide proper antecedent basis for Claim 16. Applicant respectfully traverses this rejection because the elements of the claim are fully supported by the application and drawings (see page 13, lines 19-22: "If desired, transversely extending elements (not shown) can be provided between the shafts 410 to limit the maximum separation of the adjacent raking portions 412, 422, 424 when the rake 400 is deployed to the first position." Applicant further notes that Claim 16 is an original claim in this application and, therefore, provides its own antecedent basis.

III. Objection to the Declaration

Box 11 of the Office Action Summary is checked ("The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152."). However, there is no discussion in the Office Action of the declaration, nor was form PTO-152 attached to the Office Action. Accordingly, unless informed otherwise by the Examiner, Applicant will assume that

box 11 was checked in error on the Office Action Summary and that no further action by Applicant regarding the Declaration is needed.

IV. 35 U.S.C. § 102(b)/(e) Rejections

Independent Claim 1 was rejected under 35 U.S.C. § 102(b)/(e) as being anticipated by U.S. Patent Nos. 5,993,474 to Ouchi; 6,500,182 to Foster; 4,873,978 to Ginsburg; 6,679,893 to Tran; 6,706,054 to Wessman et al.; and 5,098,440 to Hillstead. Applicant respectfully submits that none of these patents teaches a rake. Nevertheless, in an attempt to clarify the claims and expedite the prosecution of this application, Applicant has amended Claim 1 to make explicit what is implicit in the term rake. Specifically, amended Claim 1 now recites that “each raking portion extend away from only one side of a longitudinal plane defined by the sheath.” In contrast, the asserted “raking portions” in each of the applied patents extend away from ***both sides*** of a longitudinal plane defined by the sheath — ***not only one side*** as recited in amended Claim 1. To aid in illustrating this distinction, Applicant has submitted marked-up copies of the drawings of the asserted patents at Tab A, which show that the “raking portions” in these patents extend away from both sides of the longitudinal plane (in some cases, by extending toward both sides of the longitudinal plane). In view of these amendment and remarks, Applicant respectfully submits that amended Claim 1 and its dependent claims are now in condition for allowance.

V. New Claims 17-32

Applicant has added new Claims 17-32, which are identical to Claims 1-16, as those claims existed prior to this Amendment, but with the following added to the end of independent Claim 17: “wherein the raking portions do not clamp together when moved from the second position to the first position.” As discussed during the telephone interview, one implication of the “raking portions” extend away from ***both*** sides of the longitudinal plane is that when the

“raking portions” in the asserted patents are moved between “open” and “closed” positions, the “raking portions” clamp together, often to grasp onto an object so that object can be snared and pulled out of the body. See, for example, Figures 6 and 7 of Ouchi, which shows the “raking portions” clamping together when moved from the “open” position in Figure 6 and the “closed” position in Figure 7.¹ Because none of the applied patents do not show the elements recited in new Claim 17, Applicant respectfully submits that new Claim 17 and its dependent claims are patentable over the applied patents.

VI. Conclusion

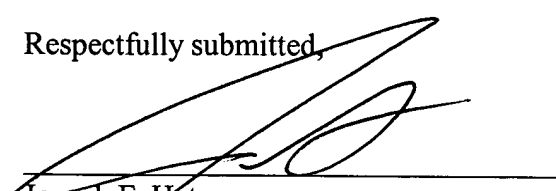
In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Reconsideration is respectfully requested. Applicant notes that while only some elements of the independent claims were discussed in this Amendment, Applicant reserves the right to argue why other elements of the independent claims and the dependent claims are patentable over the cited patents.

If there are any questions concerning this Amendment, please contact the undersigned attorney at (312) 321-4719.

Dated: November 17, 2005

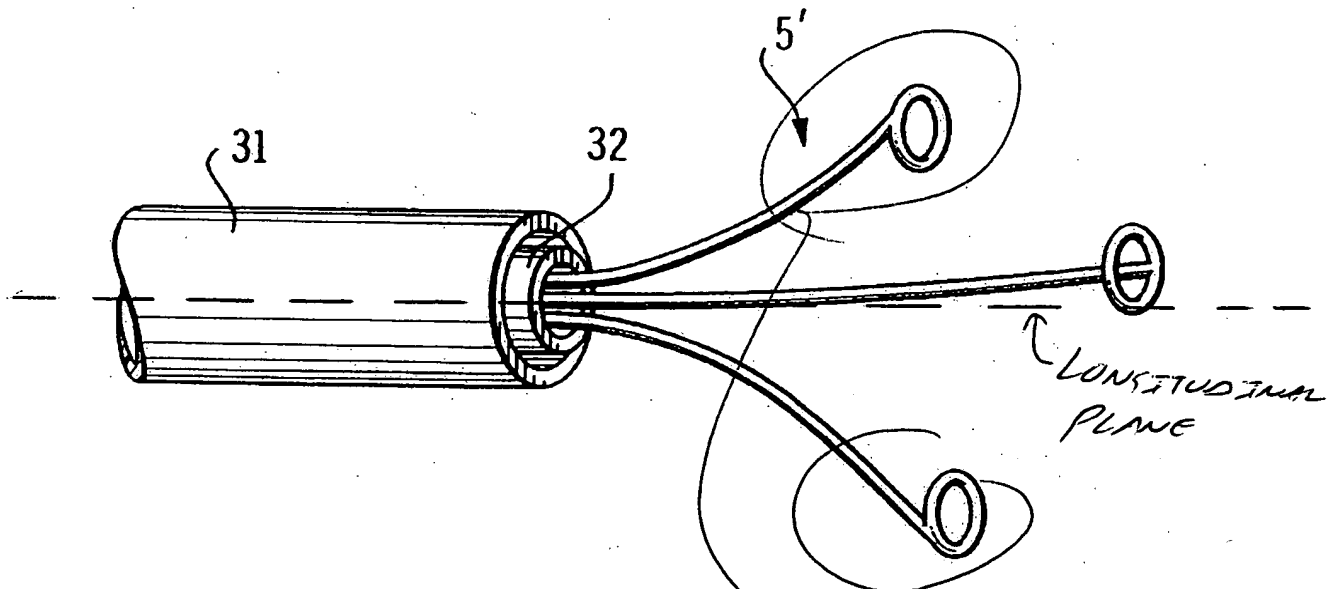
Respectfully submitted,

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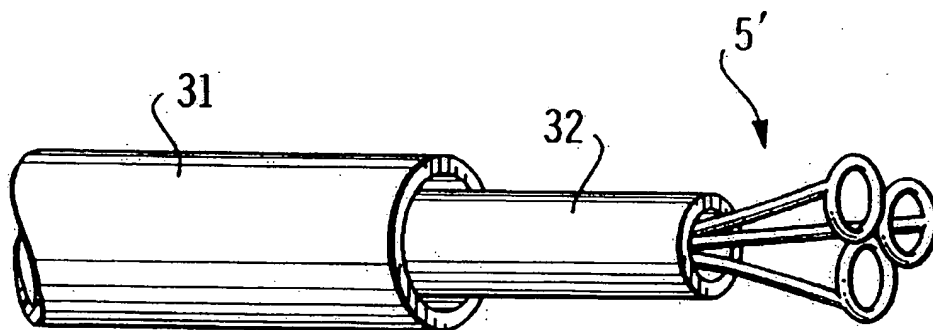


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¹ Applicant notes that the “raking portions” in Figure 7 are not received in the lumen of the sheath, as required by independent Claims 1 and 17. This provides an additional basis of patentability for these claims.



EXTENDING AWAY FROM
BOTH SIDE OF
LONGITUDINAL PLANE



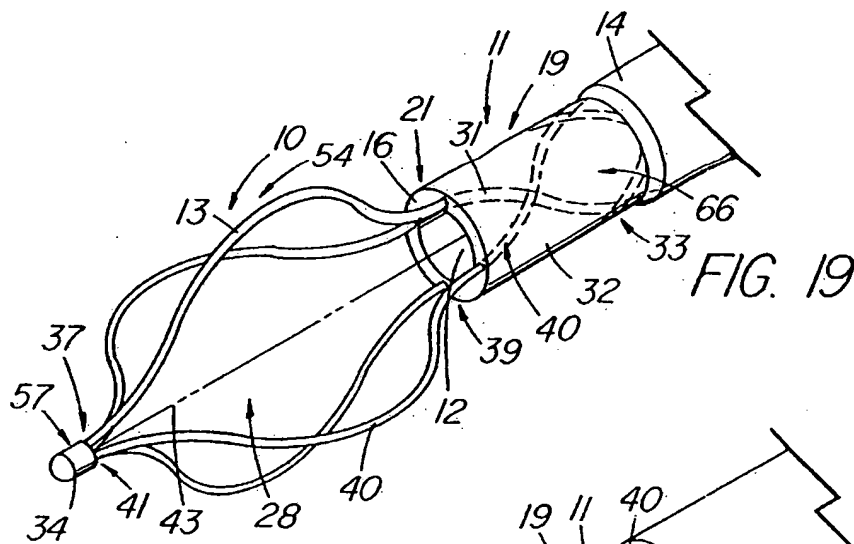


FIG. 19

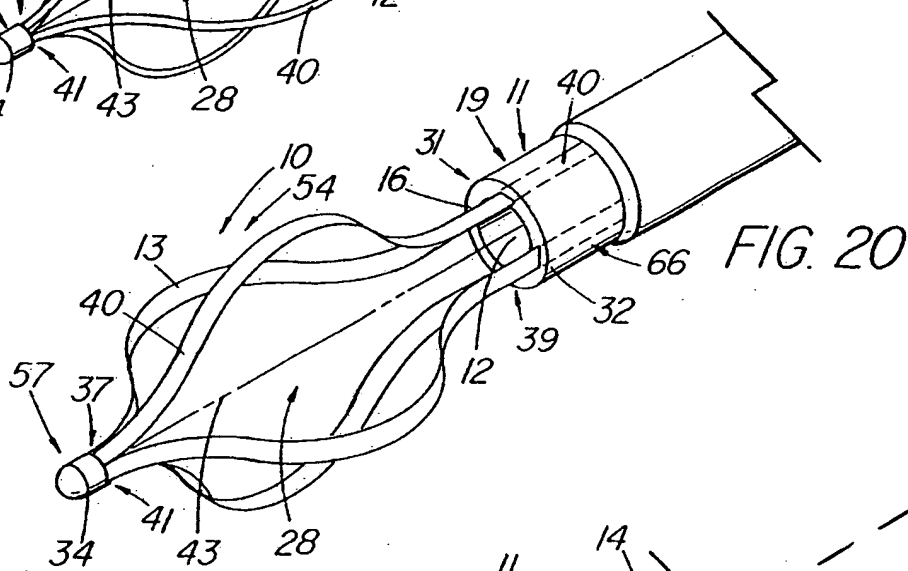


FIG. 20

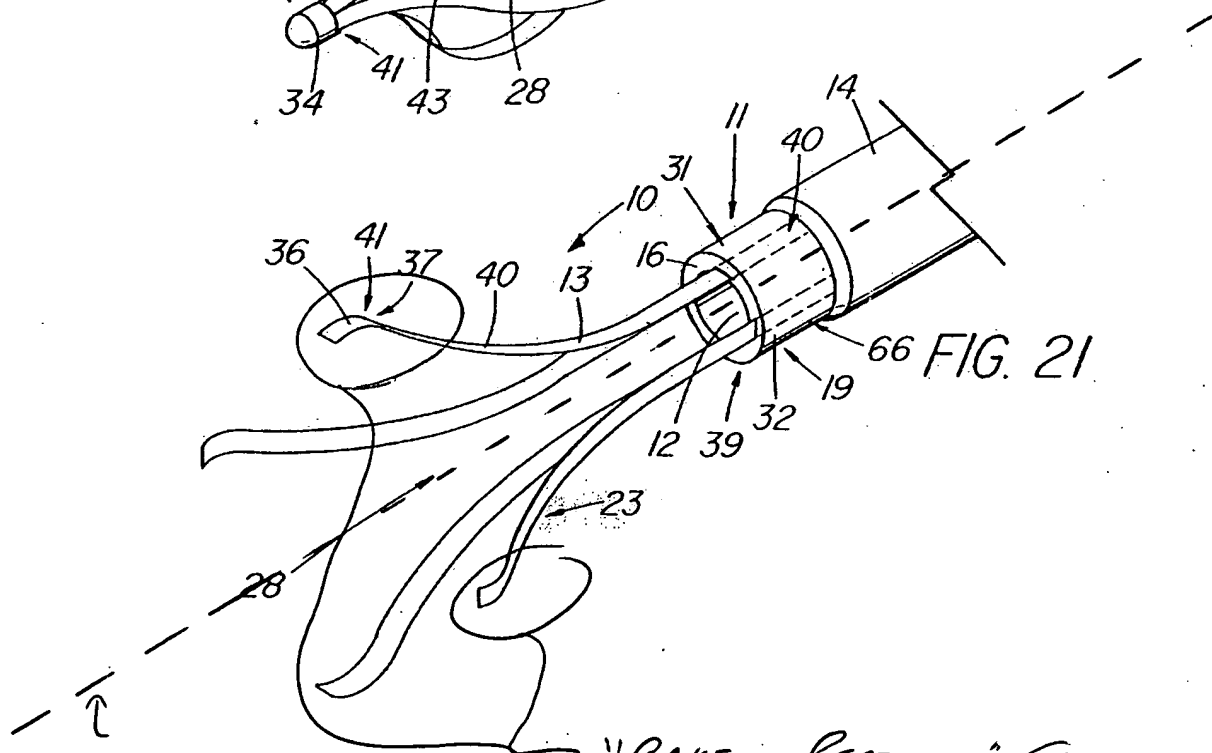
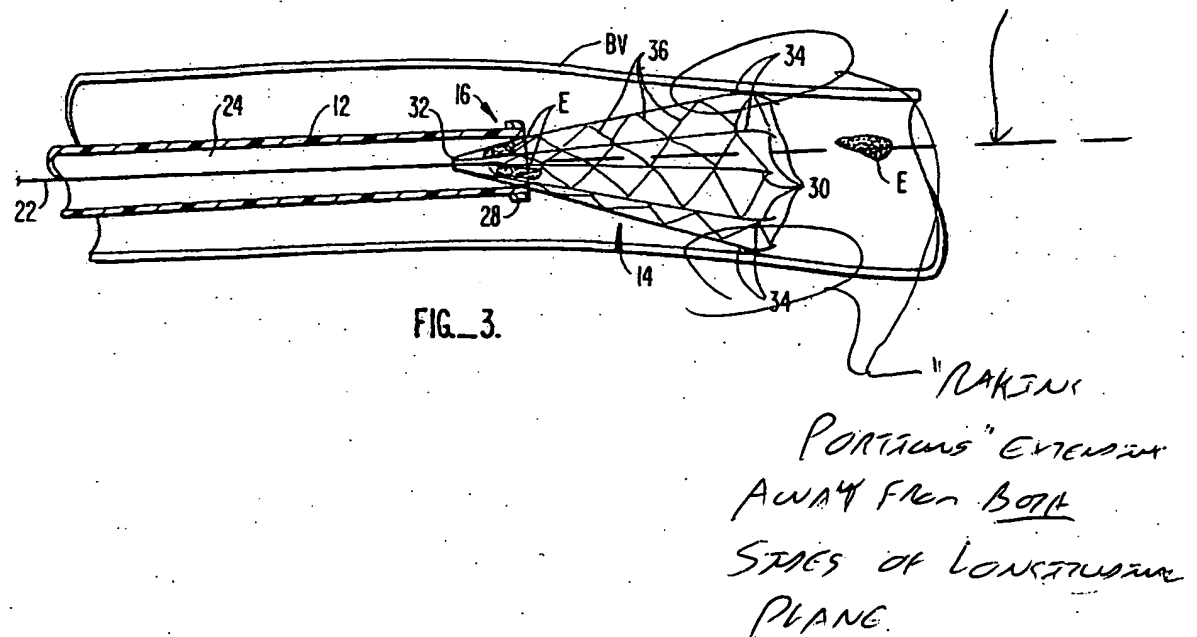
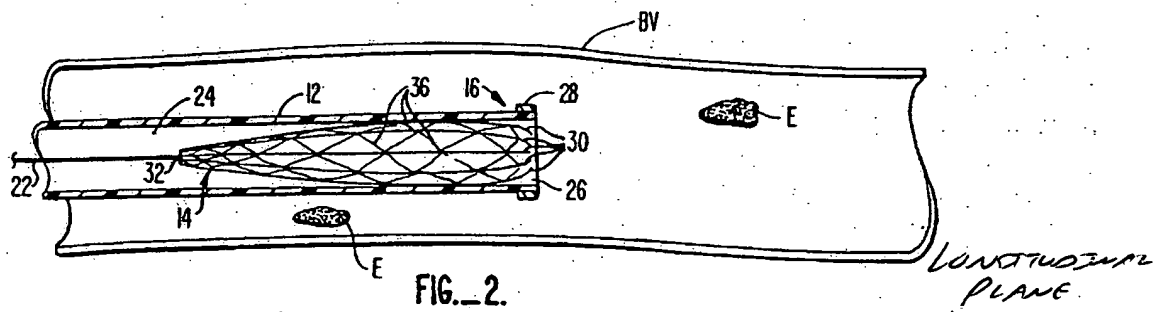
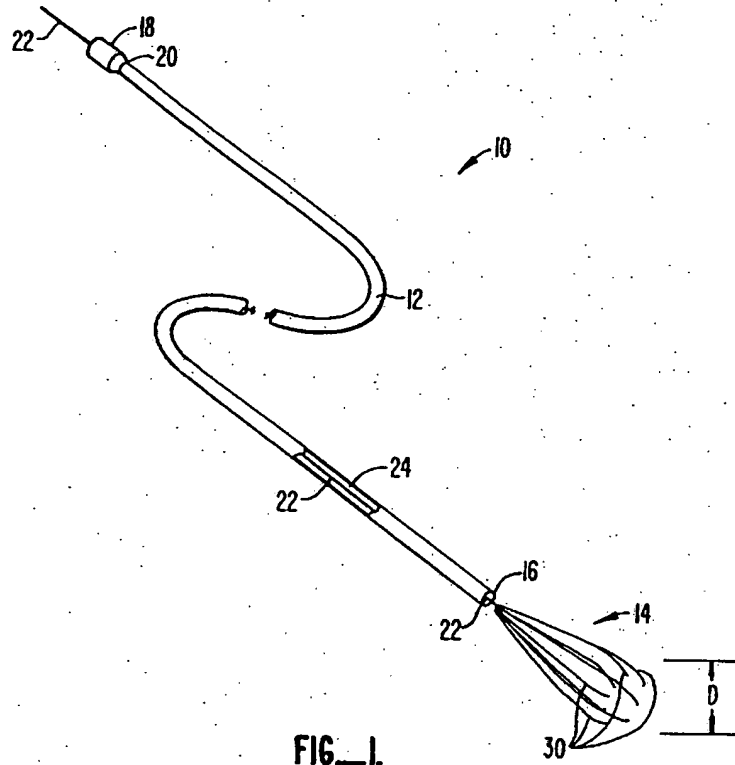


FIG. 21

LONGITUDINAL
PLANE

"RAKING PORTIONS" EXTENDING
AWAY FROM BOTH SIDES
OF LONGITUDINAL PLANE.





US006679893B1

(12) **United States Patent**
Tran(10) Patent No.: **US 6,679,893 B1**
(45) Date of Patent: **Jan. 20, 2004**(54) **GRASPING DEVICE AND METHOD OF USE**(75) Inventor: **Quang Q. Tran, Redwood City, CA (US)**(73) Assignee: **Chestnut Medical Technologies, Inc., Menlo Park, CA (US)**

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

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* cited by examiner

Primary Examiner—Peter Nerburn

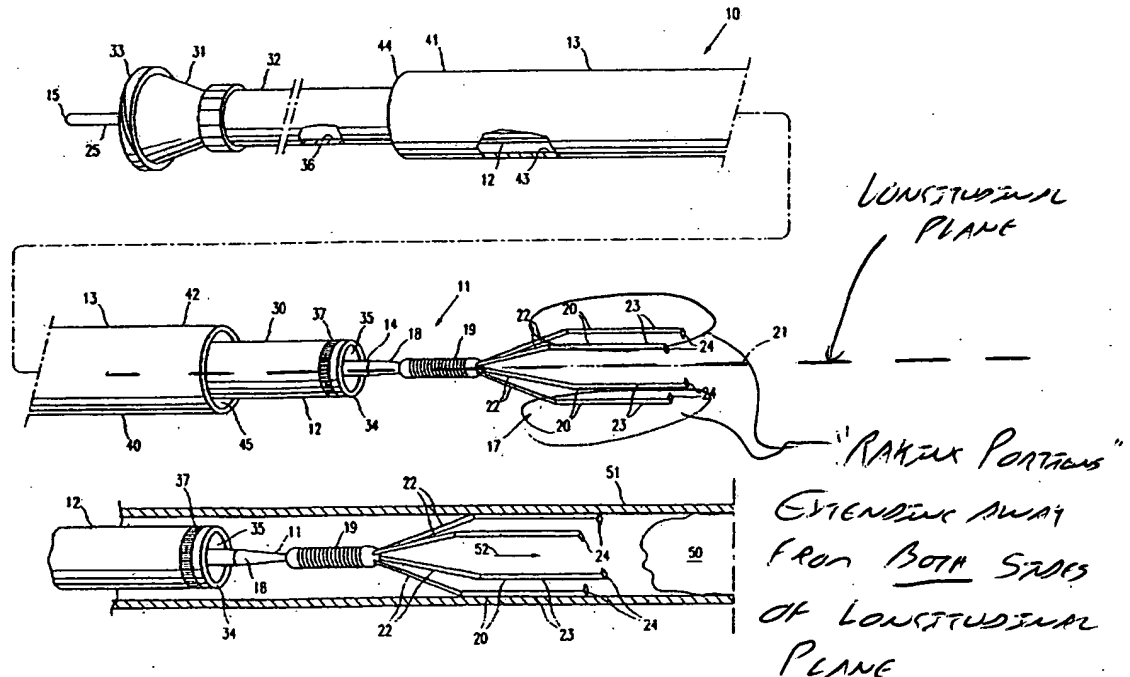
(74) Attorney, Agent, or Firm—Banner & Witcoff, Ltd.

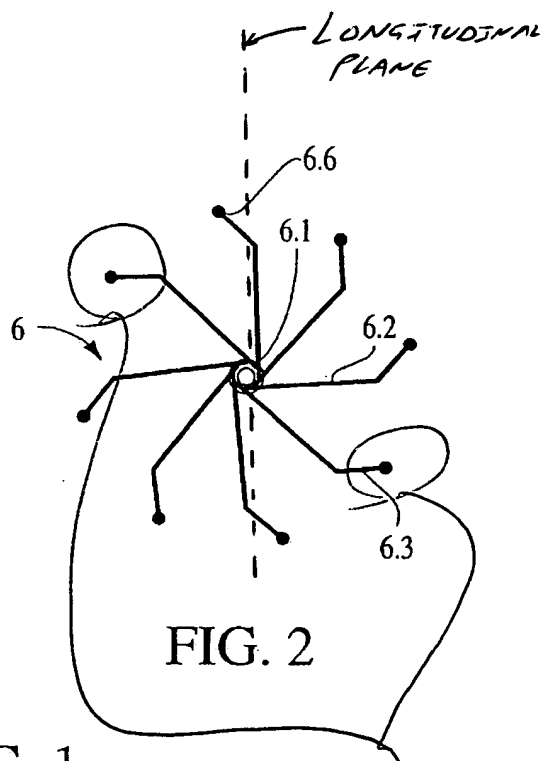
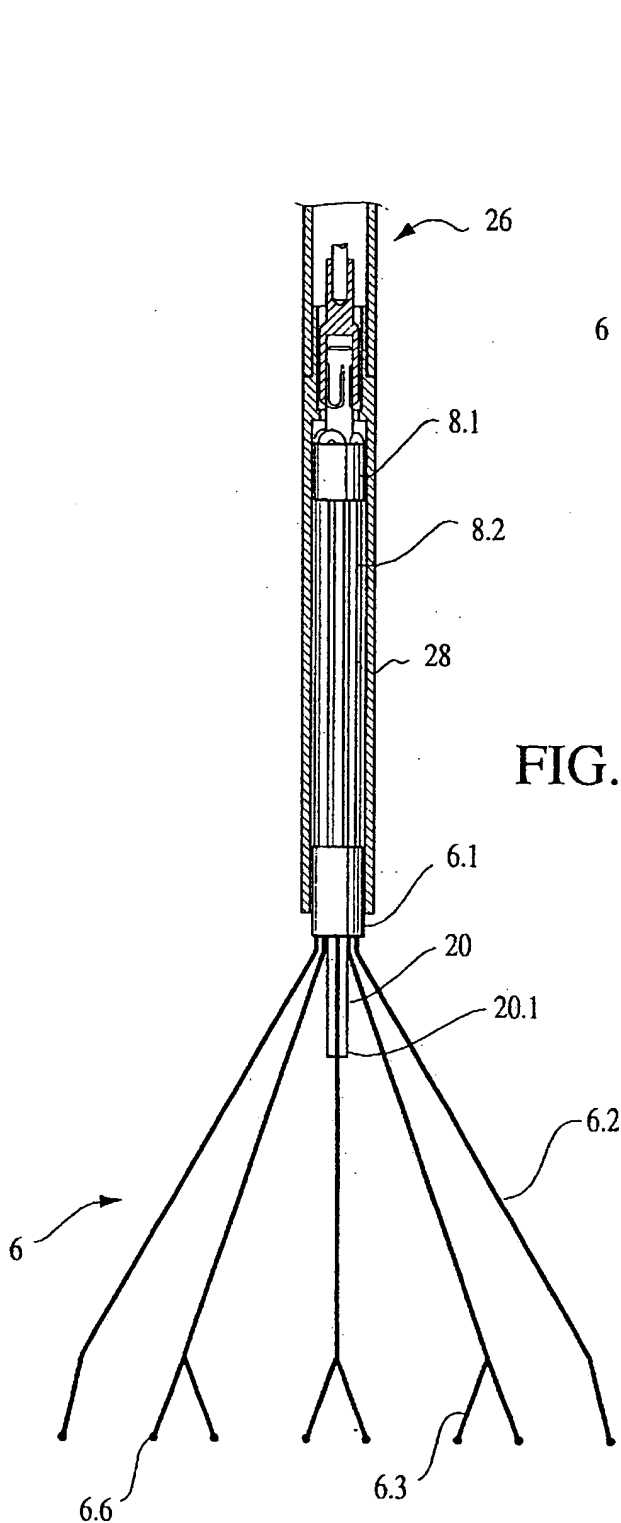
(57) ABSTRACT

The invention is directed to a grasping device and system and the method of using the device and system for capturing a thromboembolism and other objects or masses within a patient's body lumen, particularly from within a patient's cerebral blood vessels. The grasping device has an elongated core member with a grasping assembly of arms on the distal end of the core member which have an expanded and a contracted configuration. The expanded configuration permits the arms to surround an object such as a thrombus or clot and a contracted configuration to grasp or capture the object. The distal ends of the arms are provided with object grasping members such as one or more teeth to facilitate the capture and removal of the object. A delivery catheter and a shorter guide catheter aid in delivering the grasping device to the desired intravascular location within the patient.

71 Claims, 7 Drawing Sheets(21) Appl. No.: **09/715,667**(22) Filed: **Nov. 16, 2000**(51) Int. Cl.⁷ **A61B 17/22**(52) U.S. Cl. **606/127**(58) Field of Search **606/127, 128, 606/159, 198, 200****(56) References Cited****U.S. PATENT DOCUMENTS**

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